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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,802	12/07/2001	John R. Fredlund	83564SLP	8932

7590 11/17/2005

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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/020,802		FREDLUND ET AL.	
	Examiner		Art Unit	
	Heather D. Gibbs		2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,7,8,10,12 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-4,7-8,10,12,17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on August 04, 2005 has been entered and made of record. Claims 3-4,7-8,10,12,17 are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. For claim 3, Applicant questions how Han (US 6,608,707) anticipates the claimed digital image input. Examiner finds this limitation to be shown in Fig 3 and 12:6-8, as Han shows the portable device with an opening for receiving a removable digital image. For claim 4, Figures 6-12 teach of a Personal Computer incorporated within the scanner. It is well known in the art that personal computers include a keyboard, which is an input device. For claim 7, Figure 4 shows a display that can be used for displaying images and any advertisement information. For claim 8, 12:6-8 teaches of formats readable by Windows or Macintosh operation systems. This is the software program the examiner has alluded to for tracking information associated with the digital images. In claim 10, 6:15-20 and Fig 9 illustrate a conventional share port, which may be an audio input device for receiving audio information. With respect to claim 12, Han teaches in Figs 13-17 and 10:1-11, the invention with additional memory. Lastly, in claim 17, the LED in Han teaches the modulated light source as claimed by applicant. Further details are incorporated below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-4,7-8,10,12,17 are rejected under 35 U.S.C. 102(e) as being anticipated by Han (US 6,608,707).

For claim 3, Han teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produced a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media (Figs 1-2; Col 3 Lines 43-60; Col 11 Lines 11-15).

For claim 4, Han teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produced a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and an input device adapted to collect information associated with the digital image, and wherein the input device is a keyboard or a touch screen display (Figs 1-2; Col 3 Lines 43-60; Col 11 Lines 11-15; Figs 6-12).

For claim 7, Han teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produced a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and a display disposed in either the first or second member for displaying the digital image and for displaying an advertisement information when the system is in the open position (Figs 1-2,4; Col 3 Lines 43-60; Coll 11 Liens 11-15).

For claim 8, Han teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produced a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and a software for tracking information associated with the digital image(Figs 1-2; Col 3 Lines 43-60; Col 12 Lines 6-8).

Regarding claim 10, Han discloses teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produced a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and an audio input device for receiving audio information relating to the digital image (Col 6 Lines 15-20; Fig 9; Col 11 Lines 11-15).

Regarding claim 12, Han discloses a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost (Col 10 Lines 1-11).

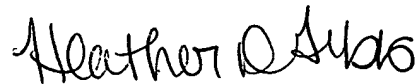
With respect to claim 17, Han discloses teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: first and second member movable between an open and closed position; a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produced a digital image; a modulated light source for illuminating the original image, said modulated light source functioning as a display when the portable image capture device is in the open position and also functioning as a light source when the portable image capture device is in the closed position; memory for storing the digital image; a communication means adapted to transmit the digital image stored in the memory to an image producing device for production of the image product from the digital image (Figs 1-2; Col 3 Lines 43-60; Col 4 Lines 1-11; Col 11 Lines 1-15).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2627

hdg


TWYLER LAMB
PRIMARY EXAMINER